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Attorneys for Plaintiffs and Counterdefendant
OTTILIA HERTEL, KG and
HERTEL INTERHOLDING, GMBH

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

OTTILIA HERTEL, KG and
HERTEL INTERHOLDING, GMBH,

Plaintiffs,

v.

THOMAS R. ODERMATT, ROTISYSTEMS,
INC., and DOES 1 through 25,

Defendants.

ROTISYSTEMS, INC.

Counterclaimant,

v.

OTTILIA HERTEL, KG,

Counterdefendant.

Civil Case No. C 06-1226 JL

**STIPULATION FOR CHANGE OF
ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND
~~PROPOSED~~ ORDER**

1 WHEREAS on June 13, 2006, this Court referred the matters of *Ottilia Hertel, KG, et al.*
 2 *v. Odermatt, et al.* and Counterclaim *Rotisystems, Inc. v. Ottilia Hertel, KG, et al.* (Case No. C 06-
 3 1226 JL) to Early Neutral Evaluation (“ENE”).

4 WHEREAS on July 5, 2006, this Court issued a Notice of Appointment of Evaluator,
 5 appointing Nathan Lane III, Esq. as ENE evaluator.

6 WHEREAS on July 6, 2006, Mr. Lane, Plaintiffs and Counterdefendants Ottilia Hertel
 7 KG and Hertel Interholding, GMBH and Defendants and Defendants and Counterclaimants Thomas
 8 R. Odermatt and Rotisystems, Inc. (hereinafter “the parties”) held a telephone conference pursuant
 9 to ADR L.R. 5-7 to discuss preliminary issues such as scheduling, procedures to be followed, the
 10 nature of the case and the client representatives that will attend.

11 WHEREAS in that July 6, 2006 telephone conference, after discussion with Mr. Lane,
 12 the parties agreed that a mediation pursuant to ADR Local Rule 6, not an ENE, would better
 13 facilitate settlement of the matter.

14 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AS FOLLOWS:**

15 Following the pre-Early Neutral Evaluation session telephone conference with all parties
 16 and Mr. Lane, Plaintiffs and Counterdefendants Ottilia Hertel KG and Hertel Interholding, GMBH
 17 and Defendants and Counterclaimants Thomas R. Odermatt and Rotisystems, Inc. agree that they no
 18 longer desire to pursue an Early Neutral Evaluation of the matter and instead wish to pursue
 19 mediation under the auspices of the Court’s mediation program governed by ADR Local Rule 6.
 20 The parties further agree to retain Mr. Lane as the mediator. Mr. Lane has agreed to serve as the
 21 mediator.
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1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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3 DATED: July 10, 2006

/s/ Thomas R. Beer

BARGER & WOLEN LLP
THOMAS R. BEER
JENNIFER N. LEE
Attorneys for Plaintiffs and
Counterdefendant
OTTILIA HERTEL, KG and
HERTEL INTERHOLDING, GMBH

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8 DATED: July 10, 2006

/s/ David A. Sauers

THE SAPIRO LAW FIRM
DAVID A. SAUERS
Attorneys for Defendants and
Counterclaimant
THOMAS R. ODERMATT and
ROTISYSTEMS, INC.

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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15 DATED: July 14, 2006

